



2014 Racial Profiling Report

James P. Singletary
Chief of Police

2014 Racial Profiling Report

This annual report is submitted to the Beaumont City Council in fulfillment of the requirements of Article 2.132 (b) of the Texas Code of Criminal Procedure.

In compliance with the requirements of Article 2.132 of the Texas Code of Criminal Procedure, the Beaumont Police Department adopted and implemented an extensive written policy (Written Directive 01.40.02 – attached) entitled, “Racially Biased Policing.”

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

The Beaumont Police Department is in compliance with the provisions of Article 2.135 (Exemptions for Agencies Using Video and Audio Equipment) of the Texas Code of Criminal Procedure and is therefore exempt from the reporting requirements of Articles 2.133 and 2.134.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Explanation of Terms

Arrests Resulting from Motor Vehicle Stops: This category includes information on arrests that resulted from a motor vehicle stop and includes probable cause and warrant arrests. A motor vehicle stop may have resulted in more than one arrest. This information is collected through arrest data submitted by the Records Unit of the Beaumont Police Department.

Warrant Arrest: An arrest in which there was an active warrant for an occupant of a vehicle stopped.

Non-Warrant Arrest: An arrest in which there was not an active warrant for an occupant of the vehicle stopped.

Motor Vehicle Stops that Resulted in a Citation: This category includes information on motor vehicle stops that resulted in a citation being issued. Multiple citations may have been issued on a motor vehicle stop, however the stop is only counted once. This information is collected through citation data submitted by the Beaumont Municipal Court.

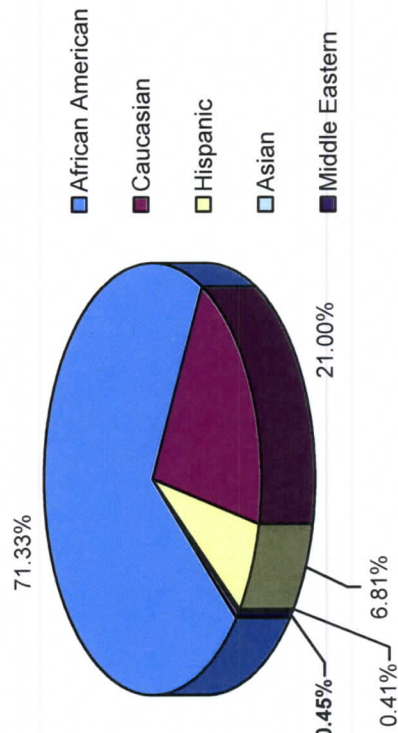
Searches Conducted: For purposes of this report and as defined in Beaumont Police Department Written Directive 01.40.02 (attached), a search does not include in inventory of an automobile, a "Terry" type frisk, or the search of a person incident / following an arrest. (Departmental directive requires the search of persons who have been arrested.)

Consent to Search: This category indicates searches conducted based upon the consent of the person to search either their person or a vehicle that they were in control of.

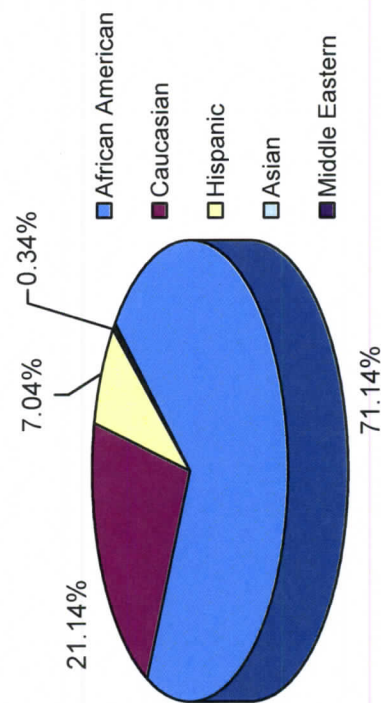
Table 1

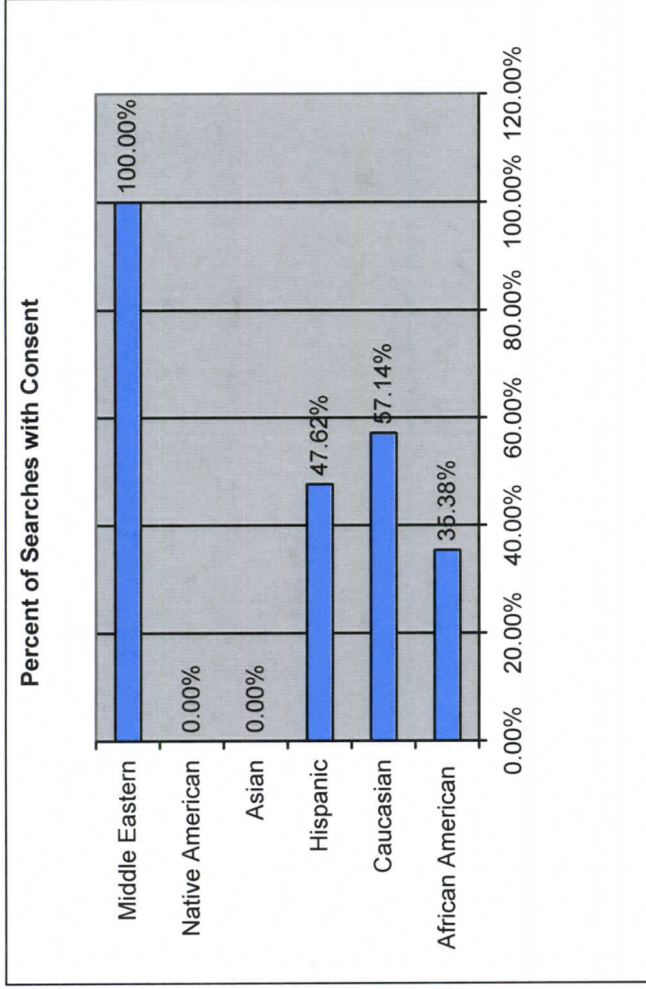
Race / Ethnicity	Arrests Resulting From Traffic Stop	Warrant Arrests	Non-Warrant Arrests	Searches Conducted	Percent Search	Consented to Search	Percent Consent
African American	1403	1070	435	212	15.11%	75	35.38%
American Caucasian	413	311	130	63	15.25%	36	57.14%
Hispanic	134	92	49	21	15.67%	10	47.62%
Asian	8	5	4	1	12.50%	0	00.00%
Native American	0	0	0	0	00.00%	0	00.00%
American Middle Eastern	9	8	2	1	11.11%	1	100.00%
Other	0	0	0	0	00.00%	0	0.00%
Total	1967	1486	620	298		122	

Arrests Resulting From Traffic Stops



Total Searches Conducted





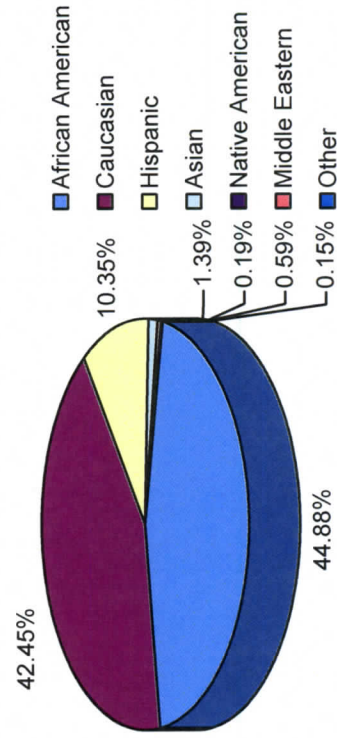
Ethnicity	Ethnicity Known Prior to Stop
African American	20
Caucasian	10
Hispanic	1
Asian	0
Native American	0
Middle Eastern	0

*Source: Racial Profiling Statistics – 2014 Arrest from Traffic Stops by Race (Racial Profiling Report – Generic) Beaumont Police Department Records Unit.

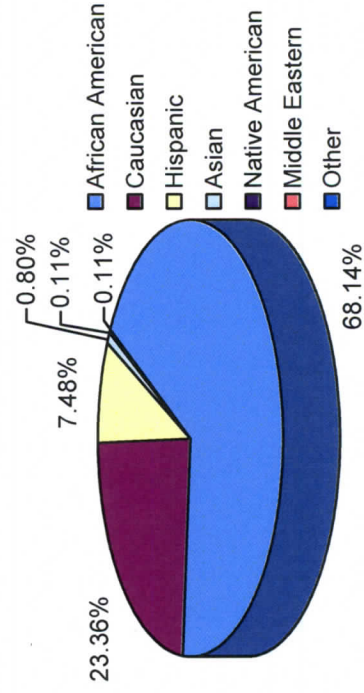
Table 2

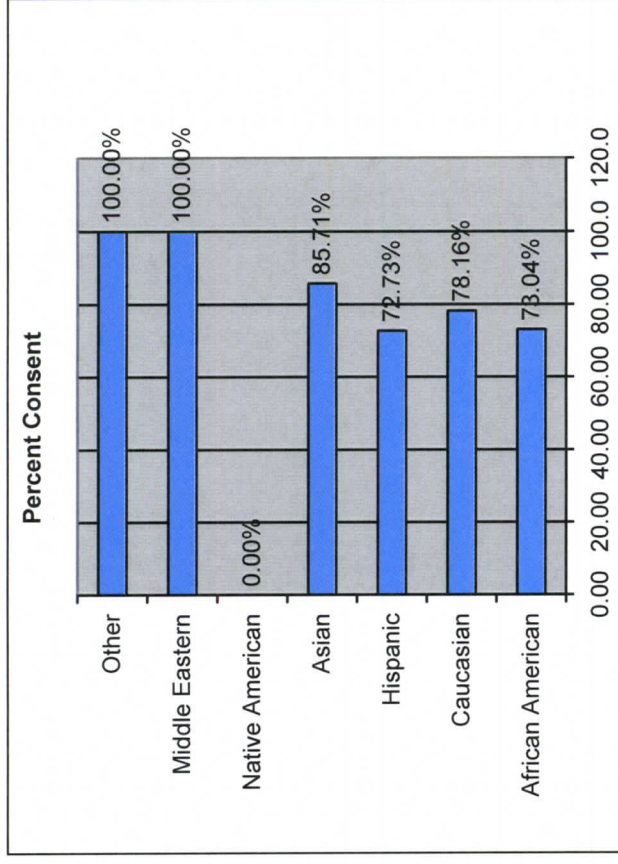
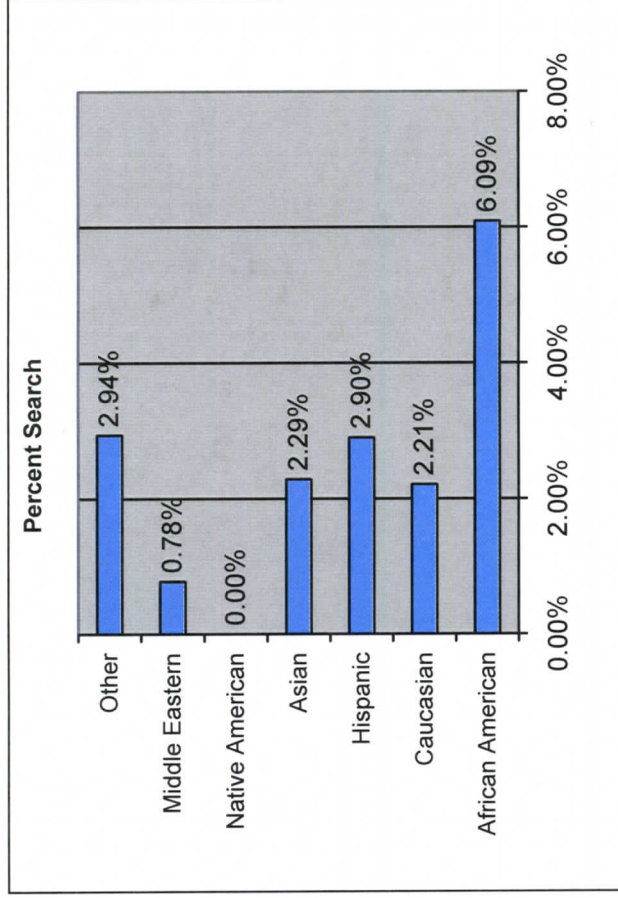
Race / Ethnicity	Traffic Stops Resulting in Citation	Searches Conducted	Percent Search	Searches Consented	Percent Consent	Knew Ethnicity Prior to Stop
African American	9870	601	6.09%	439	73.04%	0
Caucasian	9335	206	2.21%	161	78.16%	0
Hispanic	2276	66	2.90%	48	72.73%	0
Asian	306	7	2.29%	6	85.71%	0
Native American	42	0	0.00%	0	0.00%	0
Middle Eastern	129	1	0.78%	1	100.00%	0
Other	34	1	2.94%	1	100.00%	0
Total	21,992	882		656		0

Traffic Stops Resulting in Citation



Searches Conducted





*Source: 2014 Racial Profiling – Municipal Court Monthly Status Report

Beaumont Police Department Records Division
Racial Profiling Statistics 2014
Total Number of Traffic Stops Resulting in Arrest

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL
168	176	160	161	153	183	159	205	173	188	130	111	1967

***Note:** Numbers from the **Racial Profiling Statistics – 2014 Total Number of Traffic Stops Resulting in Arrest** table and the **Racial Profiling Statistics – 2014 Arrests from Traffic Stops by Race** table will not necessarily be equal. The latter table captures arrests from traffic stops by race and the former table captures how many stops resulted in arrest. In the former table, there may be multiple arrests associated with one traffic stop. However, it is only counted as one stop.

The Attached Supporting Documents

Provided by:

Beaumont Police Department Records Unit

Beaumont Municipal Court

Table A
Racial Profiling Statistics - 2014
Total Number of Traffic Stops Resulting in Arrest

Page 1 of 1
Date: 1/6/2015
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Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
168	176	160	161	153	183	159	205	173	188	130	111

Total Traffic Stops : 1967

User: SHIRLEY

BEAUMONT POLICE DEPARTMENT

01/07/2015 09:36

Racial Profiling Report - Generic

Date Range: 01/01/2014 - 12/31/2014

Reason	Male	Female	African American	White	Hispanic	Asian	Native American	Middle Eastern	Race Known Prior to Stop
TRAFFIC-MOVING VIOLATION	1501	466	1403	413	134	8	0	9	31
Charge	Male	Female	African American	White	Hispanic	Asian	Native American	Middle Eastern	Race Known Prior to Stop
DRUG VIOLATION	279	34	229	60	20	3	0	1	6
DWI	31	7	16	19	3	0	0	0	0
OTHER CHARGES	123	22	118	20	7	0	0	0	8
TRAFFIC VIOLATION	108	16	72	31	19	1	0	1	2
WARRANT	1077	409	1070	311	92	5	0	8	21
Search	Male	Female	African American	White	Hispanic	Asian	Native American	Middle Eastern	Race Known Prior to Stop
CONS	102	20	75	36	10	0	0	1	9
NONE	1240	429	1191	350	113	7	0	8	19
PC	159	17	137	27	11	1	0	0	3
Arrest	Male	Female	African American	White	Hispanic	Asian	Native American	Middle Eastern	Race Known Prior to Stop
ARR	1501	466	1403	413	134	8	0	9	31

**2014
Racial Profile**

	<i>Arrests- Traffic Stops</i>	<i>Warrant Arrests</i>	<i>Non- Warrant Charges</i>	<i>Search</i>	<i>Consent to Search</i>	<i>Race Known Prior</i>
<i>African American</i>	1403	1070	435	212	75	20
<i>Caucasian</i>	413	311	130	63	36	10
<i>Hispanic</i>	134	92	49	21	10	1
<i>Asian</i>	8	5	4	1	0	0
<i>Native American</i>	0	0	0	0	0	0
<i>Middle Eastern</i>	9	8	2	1	1	0
<i>Totals</i>	1967	1486	620	298	122	31

To: Laura Clark, Chief Financial Officer/Lt. Kelvin Wilson
 From: Sheryl Reese, Court Administrator
 Date: February 9, 2015

2014 RACIAL PROFILING -- MUNICIPAL COURT MONTHLY STATUS REPORT

RACE/ETHNICITY	JANUARY			FEBRUARY			MARCH		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	774	46	29	522	45	32	689	66	53
Caucasian	701	12	12	446	9	8	562	12	7
Asian	32	2	0	15	0	0	17	0	0
Hispanic	161	5	4	88	4	4	124	6	5
Native American	3	0	0	2	0	0	3	0	0
Middle Eastern	12	0	0	8	0	0	6	0	0
Other	3	0	0	6	0	0	1	0	0
TOTAL	1686	65	45	1087	58	44	1402	84	65

RACE/ETHNICITY	APRIL			MAY			JUNE		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	660	46	39	806	39	31	1270	53	33
Caucasian	593	16	15	733	14	12	1085	23	19
Asian	19	1	1	29	1	2	34	1	1
Hispanic	147	7	5	208	9	7	267	6	4
Native American	3	0	0	6	0	0	3	0	0
Middle Eastern	6	0	0	8	0	0	11	0	0
Other	3	0	0	3	0	0	1	1	1
TOTAL	1431	70	60	1793	63	52	2671	84	58

RACE/ETHNICITY	JULY			AUGUST			SEPTEMBER		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	1138	51	34	1052	59	47	850	60	48
Caucasian	989	18	10	989	32	24	919	30	26
Asian	31	0	0	40	0	0	27	1	1
Hispanic	249	2	2	250	5	4	228	7	2
Native American	2	0	0	5	0	0	4	0	0
Middle Eastern	8	0	0	12	0	0	16	0	0
Other	1	0	0	5	0	0	4	0	0
TOTAL	2418	71	46	2353	96	75	2048	98	77

RACE/ETHNICITY	OCTOBER			NOVEMBER			DECEMBER		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	988	51	34	599	46	33	522	39	26
Caucasian	1101	21	16	613	11	6	604	8	6
Asian	29	1	1	18	0	0	15	0	0
Hispanic	267	9	6	140	4	4	147	2	1
Native American	4	0	0	3	0	0	4	0	0
Middle Eastern	17	0	0	11	0	0	14	1	1
Other	2	0	0	2	0	0	3	0	0
TOTAL	2408	82	57	1386	61	43	1309	50	34

CURRENT YEARLY TOTAL			
RACE/ETHNICITY	Stops	Search	Consent
African	9870	601	439
Caucasian	9335	206	161
Asian	306	7	6
Hispanic	2276	66	48
Native American	42	0	0
Middle Eastern	129	1	1
Other	34	1	1
TOTAL	21992	882	656

0 =Knew race/ethnicity of
defendant prior to stop.

RACE/ETHNICITY	YEARLY TOTAL - 2005			YEARLY TOTAL - 2006			YEARLY TOTAL - 2007		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	10,062	241	171	7,818	267	214	7,982	133	113
Caucasian	9,960	169	99	9,257	88	69	8,265	40	36
Asian	243	1	1	231	0	0	254	2	1
Hispanic	1,028	11	5	1,243	14	11	1,263	5	5
Native American	29	0	0	16	0	0	34	0	0
Middle Eastern	0	0	0	0	0	0	0	0	0
Other	82	0	0	53	1	0	288	1	1
TOTAL	21,404	422	276	18,618	370	294	18,086	181	156

RACE/ETHNICITY	YEARLY TOTAL - 2008			YEARLY TOTAL - 2009			YEARLY TOTAL - 2010		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	6,264	120	96	8,257	150	115	8,203	328	252
Caucasian	6,848	43	36	8,850	56	39	8,767	103	84
Asian	169	1	1	216	0	0	244	1	1
Hispanic	937	5	2	1,379	13	7	1,575	24	18
Native American	39	0	0	42	0	0	23	0	0
Middle Eastern	0	0	0	0	0	0	63	0	0
Other	74	1	1	118	0	0	179	4	4
TOTAL	14,331	170	136	18,862	219	161	19,054	480	359

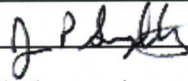
RACE/ETHNICITY	YEARLY TOTAL - 2011			YEARLY TOTAL - 2012			YEARLY TOTAL 2013		
	Stops	Search	Consent	Stops	Search	Consent	Stops	Search	Consent
African	5,929	275	199	6,466	458	317	6,975	447	316
Caucasian	5,475	140	89	5,491	125	83	5,794	139	103
Asian	194	0	0	223	5	4	196	1	0
Hispanic	1,164	21	10	1,384	30	18	1,552	42	29
Native American	12	0	0	10	0	0	38	0	0
Middle Eastern	66	0	0	91	4	1	87	2	1
Other	96	4	4	60	0	0	41	0	0
TOTAL	12,936	440	302	13,725	622	423	14,683	631	449

RACE/ETHNICITY	YEARLY TOTAL - 2014		
	Stops	Search	Consent
African	9,870	601	439
Caucasian	9,335	206	161
Asian	306	7	6
Hispanic	2,276	66	48
Native American	42	0	0
Middle Eastern	129	1	1
Other	34	1	1
TOTAL	21,992	882	656

Subject: Racially Biased Policing

Effective Date: 11/26/2012

Approved By: James P. Singletary, Chief of Police



Purpose: This directive is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

I. Definitions

- A. Race or ethnicity - of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American or Middle Eastern decent.
- B. Racial Profiling - law enforcement initiated action based upon an individual's race, ethnicity, or national origin rather than on the individuals behavior or on information identifying the individual as having engaged in criminal activity.
- C. Traffic Stop - the act of stopping a motor vehicle by a peace officer for an alleged violation of a law or ordinance regulating traffic.
- D. Search - as used in this directive, the search does not include an inventory of an automobile, a "Terry" type frisk or the search of a person incident to / following an arrest. (Departmental directive requires the search of persons who have been arrested.)

II. Policy

- A. Officers employed by this department are strictly prohibited from engaging in conduct constituting racial profiling as defined by this directive and the Texas Code of Criminal Procedure Chapter 2 Article 3.05.
 - 1. Investigative detentions, traffic stops, arrests, searches and / or seizures by officers of this department will be based on the standard of reasonable suspicion or probable cause established by the Fourth Amendment of the United States Constitution.
 - 2. Officers must be able to articulate the specific facts and circumstances that support the reasonable suspicion and / or probable cause.
 - 3. Officers shall not consider race, ethnicity, or national origin in establishing reasonable suspicion and / or probable cause with the exception that officers may take into account the reported race, ethnicity or national origin of a specific suspect (s) based upon trustworthy, locally relevant information that links the suspect(s) of a particular race, ethnicity, or national origin to particular unlawful incidents.
 - 4. Race, ethnicity, or national origin may not be used as the sole basis for reasonable suspicion and / or probable cause.
 - 5. Except as provided above, race, ethnicity, or national origin should not be a motivating factor in making law enforcement decisions.
- B. Officers engaging in conduct constituting racial profiling as defined by this directive shall be subject to appropriate corrective action.

III. Reporting

- A. Officers initiating traffic stops in which a citation is issued or in situations when an arrest results from the traffic stop, will be responsible for:

1. Insuring the accurate completion of any traffic citation issued or a supplementary racial profiling report, specifically providing information in regard to the race or ethnicity of the individual responsible for the offense or act that initiated the traffic stop. Additionally, to provide answers to the questions regarding if a search was conducted, was consent given to the officer to conduct the search, and if the officer knew the race or ethnicity of the person detained before detaining that individual. When completing a citation or supplement the officer should note on the citation, or in the supplemental, relevant information such as any contraband or evidence found during the search, was the search incident to arrest, etc.
 2. Using their perception to determine race or ethnicity, because, unlike age and gender which appear on an individual's driver's license, discerning race or ethnicity through a verbal inquiry risks exacerbating a potentially tense encounter.
 3. Using the following code to indicate the race / ethnicity of a person receiving a citation:

W = Caucasian (White)
B = African (Black / African-American)
H = Hispanic (Latino)
A = Asian
N = Native American
E = Middle Eastern
O = Other
 4. Including on the Probable Cause affidavit a statement that a search was or was not made, and if a search was made whether or not the person arrested consented to the search.
 5. Informing the 911/311 Operations Center on all warrant arrests resulting from traffic stops whether a search was or was not made and if a search was made whether the person arrested consented to the search.
- B. The Department shall submit an annual report containing the information collected pertaining to traffic stops to the Texas Commission on Law Enforcement Officer Standards and Education, city manager, mayor, and city council on or before March 1 of each year.
1. No identifying information regarding officers making traffic stops may be included in the report.
 2. Identifying information about any person(s) detained or arrested by officers of this department may not be included in the report.

IV. Video Recording

- A. Video and audio recording equipment installed in department vehicles and/or motorcycles shall be activated by officers during any traffic or pedestrian stop from the initiation of the stop through the completion of the stop.
- B. Video recordings shall be handled in accordance with the Written Directive regarding Mobile Audio / Video Recording.
- C. Any officer who is the subject of a racial profiling complaint may request in writing from the Chief of Police a copy of any video and / or audio recording of the traffic stop or pedestrian stop from which the complaint resulted. The department shall promptly provide said copy.
- D. Video and audio recordings shall be retained for 180 days after the recorded stop.
- E. Video and audio recordings that are the subject of racial profiling complaints shall be retained until the final disposition of the complaint.

- F. Video and audio ~~tape~~ recordings shall be reviewed by supervisors and / or staff officers as necessary in order to accomplish the purpose of this directive.

V. Racial Profiling Complaints and Education

- A. Any person alleging racial profiling against a member of this department may report the alleged racial profiling to:
 - 1. The supervisor of the officer against whom the racial profiling is alleged;
 - 2. A staff officer; or
 - 3. Internal Affairs.
- B. Any supervisor or staff officer that receives a complaint alleging racial profiling by an officer of this department shall:
 - 1. Complete the proper forms in the IA/Blue Team software system.
 - 2. The report should then be forwarded to the Internal Affairs supervisor for investigation.
- C. Complaints alleging racial profiling against an officer that are received by Internal Affairs shall be recorded and designated as either a Citizen Complaint or a Supervisory Investigation.
 - 1. Citizen Complaint: A complaint initiated by persons outside the department.
 - 2. Supervisory Investigation: A complaint that is investigated at the supervisory level at the complainant's request.
- D. Internal Affairs will investigate any Citizen Complaints of racial profiling and present its findings to the Disciplinary Review Board.
- E. The Disciplinary Review Board will hear the results of the investigation and will present its findings and a recommendation to the Chief of Police.
- F. The Chief of Police will determine final disposition of the complaint and designate the level of corrective action to be taken against the officer, if any.
- G. No person shall be dissuaded from lodging a complaint of racial profiling against a member of this department. Any member of the department doing so will be subject to corrective action.
- H. The department will provide educational material to the public concerning the process of filing a complaint via various available media, such as public service announcements, printed material, etc.

VI. Officer Training

Each officer shall complete racial profiling training in accordance with policies adopted by the Texas Commission on Law Enforcement Officers Standards and Education.

VII. Application

- A. This written directive is not intended to enlarge an employee's civil or criminal liability in any way. It shall not be considered as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employee's legal duties imposed by law.
- B. Any data collected as a result of reporting requirements pursuant to Articles 2.131 through 2.138 of the Texas Code of Criminal Procedure, as implemented by this written directive,

shall not be considered prima facie evidence of racially biased policing (racial profiling).

- C. An officer of the Beaumont Police Department is not liable for damages arising from any act relating to the collection or reporting of information as required pursuant to Articles 2.131 through 2.138 of the Texas Code of Criminal Procedure or under this policy adopted pursuant to Article 2.132 of the Texas Code of Criminal Procedure.